

Case #8:18-cv-3113-PX

FDC MARYLAND GREENBELT

**In The UNITED STATES DISTRICT COURT
FOR MARYLAND GREENBELT
6500 CHERRYWOOD DRIVE
GREENBELT, MARYLAND 20770**

HE
LODGED RECEIVED

OCT 29 2018

**AT GREENBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND**

BY

DEPUTY

Debra Bonilla-Mead, pro se,
qui tam USAG Jeffery Sessions,

PLAINTIFFS

v.

McCabe Weisberg, and Conway, llc (MWC), et al
and

John Does (1-10)

DEFENDANTS

FDC #8:18-cv-3113-PX

**Motion for Removal
of Judge Paula Xinis
for Cause**

SUBMITTED TO CHIEF JUDGE FEDERAL DISTRICT COURT MARYLAND GREENBELT

Racketeering Influenced Corrupt Organization Noted

Jury Trial Demanded

Debra Bonilla-Mead, pro se
P.O. Box 2873
Gaithersburg, MD 20886
Phone (240)xxx.xxx

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1 **PLEASE TAKE NOTICE** that Claimant herein demands Judge Paula Xinis be removed from this action in law immediately in accordance with and 28 USC § 144.

2 Claimant believes that Judge Paula Xinis is prejudiced towards Claimant and therefore, for the following reasons, points and authorities, Demands Judge Paula Xinis be removed.

28 US Code 144

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time.

A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

(June 25, 1948, ch. 646, 62 Stat. 898; May 24, 1949, ch. 139, §65, 63 Stat. 99.)

I, Debra Bonilla-Mead, declare that Paula Xinis has expressed bias against me during these proceedings including (February 2, 2018 proceeding, by authoring and issuing Document 3, and stating -

a) "In a 31-page complaint..." Complaints are limited by rule to 20 pages, or 10,000 words. Our complaint falls within this limitation, and word count is stated at conclusion of complaint. The statement is prejudicial and inconsequential.

b) "...Debra Bonilla-Mead seeks money damages..." The judge does not recognize that the plaintiffs are both Debra Bonilla-Mead, and the United States of America, designated by current USAG Jeffery Sessions, in accord with very strict interpretation of FIRREA 1979, directing that in addition to normal criminal action, all civil action against any federal

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financial institution be brought by current USAG. In fact, all consent judgments by financial institutions to date, and the three qui tam actions cited in our complaint, Peter Belli and USA v. Allied, Heidi and USA v. M&T, Kat Nguyen and USA v. Lennar Homes, have been sourced as qui tam actions, and USAG has exercised right of intervention immediately before conclusion.

From the complaint -

“FIRREA 1989 requires USAG to prosecute both civil and criminal enforcement actions v. financial institutions. This matter is a private civil complaint only. We will refer criminal aspects to law enforcement. All consent judgments so far are under the Financial Institution Regulation, Reform, and Enforcement Act (FIRREA 1989), i.e., Eric Holder, Loretta Lynch, and Jeff Sessions. Debra Bonilla-Mead in this case is acting qui tam USAG Jeff Sessions, who is indisposed.”

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c) “On August 10, 2010, the secured party, Jacob Geesing, represented by Maryland Law firm Bierman Geesing, Ward and Wood,...” Judge Xinis has apparently taken on herself the task of investigation of our complaint by consulting PACER and reading all or part of Debra’s earlier bankruptcy proceeding. She hasn’t quite proceeded deeply enough to recognize that the secured party, Jacob Geesing was unsuccessful in his claim of ownership at the state level, and further has been sanctioned, along with his partnership, MWC, for unethical business practices in their actions as Maryland’s Cheapest Foreclosure Mill. We have charged these people as codefendants, or coconspirators, based on their documented actions, and their federal consent agreement of the time. Their successor partnership, and current organization, is Bierman, Ward and Wood, also codefendants, both as a corporation and individually. Nevertheless, the task of investigation of these matters does not fall to a federal judge. The task of investigation has been completed to the satisfaction of the plaintiffs, and it is now time to issue a summons, seek a reply from the defendants, and pursue public trial.

d) “Diversity jurisdiction exists...” In the judge’s investigation, she has noted that some of the defendants live in Maryland, and complete diversity does not exist.

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Traditionally, such a thought would be written down on a piece of paper by a defendant, and duly considered by a judge, after a summons has been issued, and the parties have replied in opposition. We're skipping over some steps here, and raising a serious question of propriety.

e) "The Act [FIRREA 1989] was intended to regulate various banking practices...and is codified at 12 USC 3331-3351.." We are prosecuting this case under the complete legislative direction established in 1989, including the relevant statutory language. On appeal, these issues will be exhaustively addressed, and under SCOTUS, a clear decision will be issued to these lower courts. This is not Paula's task today.

f) "If the government declines to intervene, the plaintiff, as relator, may decide to pursue the action, but can only do so with the benefit of counsel." This shows a most disturbing judicial or personal bias, as 40% of the litigation currently before the judiciary in America, is pursued by pro se plaintiffs. I would like to provide at no cost, Richard Posner's book "Reforming the Federal Judiciary," to Paula or any other requesting federal judge. It directly addresses this problem, and is targeted specifically to his associates, all federal judges. He is a retired federal judge, and is now very plain spoken. If the next judge assigned, who replaces Paula, has any similar concern, we would encourage that judge to immediately assign counsel to Debra from available resources. This might be from the crew of pro bono deckhands, eager to learn litigation skills to go along with their recent law school credentials, or from the specially designated Mortgage Fraud Task Force, assembled in 2012 as a specific budget item in the USDOJ, and available at the stroke of a pen to any federal judge. These people are paid directly by me, in my annual IRS remittances.

g) "Bonilla-Mead has paid the filing fee. Nonetheless, this court retains broad inherent power to dismiss an action, or part of an action, which is frivolous, vexatious, or brought in bad faith." In this case, directly below the caption, in 14 point bold face, as required, appears "Racketeering Influenced Corrupt

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Organization Noted.” This notice supplements the Form JS-44, which has a check in the appropriate block defining the action at the outset as a RICO action, triggering very special handling requirements. As a RICO action, the case then proceeds under the FRCP, except in a few important instances. One of the restrictions under the 2007 Civil Rico Prosecutor Handbook, most current edition of 568 pp, including statutory elements of black letter law, and extensive citations of record cases and appeals, is that a judge is forbidden to dismiss an action or limit or exclude claims in any manner. This entire manual is submitted to the court in electronic form, from the Government Printing Office, as a convenience to both the court and our nmaed counterparties. In short, dismissal or limitation of triable claim is the responsibility of one person only, that office currently being held by Jeffery Sessions, USAG. This is not Paula’s task today. The very suggestion demands removal on the basis of observable bias, and replacement with another federal judge.

h) “A complaint must include sufficient facts...” Our complaint, limited to 10,000 words by rule and custom, was submitted along with electronically stored information of approximately 2+ GB, or ~10,000 pages of words and pictures. Read it. Later on we’ll be asking for a special master under FRCP Rule 57. We aren’t quite there yet.

i) “For the following reasons, the qui tam and RICO actions are dismissed as patently insufficient, while other claims cannot proceed without amendment.” The qui tam status, and RICO action, is central to our case. Dismissal of our claim will be immediately appealed.

Our preference is for this action to proceed, It is obvious that Paula Xinis has demonstrated unallowable bias through her cursory investigation and response of these weighty charges. We would pray that the Judge who replaces Paula will realize the serious nature of our concern.

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The next Judge has many tools at his disposal, and indeed is the only person that possesses or is able to exercise these judicial rights and responsibilities. We have duly reported these matters to the USDOJ prior to filing this action. They are overburdened at the moment. As mentioned, the Judge has a Mortgage Fraud Task Force at his beck and call. A US Attorney can be dispatched to the subject property, and further interview Debra Bonilla-Mead, and thoroughly investigate her present circumstances. Any attorney on the Judge's pro bono registry can be assigned to work for Debra and review our attempts to communicate properly. A magistrate attorney can be assigned to review pre-trial matters, as indeed often occurs. After review of replies to summons, the Judge may order a face-to-face meeting of the parties and a conference and clarification of disputed facts and issues. An Alternative Dispute Resolution meeting may be ordered, and the Judge may receive a full report. Our investigation is complete within this complaint, but possibly much may be discovered after summons and opportunity for reply.

I hope we have expressed our concerns clearly, and we pray that Paula be removed expeditiously, and assigned other work. I pray that our concerns be communicated to the next Judge assigned. We caution that our complaint caption is immediately followed by an (optional in lower court, required in appellate process) Notice To Interested Persons, and we ask that our Notice be thoroughly considered by Paula's successor.

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Very Truly Yours,

Sworn to and attested this date by-

By /s/ Debra Bonilla-Mead _____ 10/28/2018

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This is a civil action FOR CIVIL RECOVERY ONLY. Any discovery of specific criminal activity of Defendants will be referred to Law Enforcement or Grand Jury in MONTGOMERY COUNTY, MARYLAND, USA, The United States Department of Justice, or the United States Security and Exchange Commission, as appropriate.